

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Alaska CEPOA-CO-R-S
FILE NUMBER: POA-2005-938

REGULATORY PROJECT MANAGER: H. Baij **Date:** May 2, 2006
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office:** (Y) **Date:** May 8, 2006
At the project site: (Y) **Date:** March 13, 2006

PROJECT LOCATION INFORMATION:

State: Alaska
Borough: Municipality of Anchorage
Center coordinates of site by latitude & longitudinal: Lat 61.1195926913956; Lon-149.866138796993
Approximate size of site/property (including uplands & in acres): one (1) acre
Name of waterway or watershed: near Klatt Bog

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	X								
Constructed pond									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary __ Or Approved X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Approximate 1 acre pond created years ago from excavating an area to build up a small race track around it. The open water portion of the pond is about 18 inches deep with essentially only enough room to turn in tight circles with a rowboat. The remaining portion of the aquatic area is heavily vegetated with emergent plants. There has been no intra- or inter-state commerce and none is expected, even for recreation. The owners would like to fill it in for development. The pond is also bordered by a high railroad embankment and hill slopes. There are no known hydrologic connections via storm drains, ditches, culverts, or channels to tributaries to navigable waters. It is doubtful that a direct ground water connection exists to the nearest tributary because of the distance and elevation change from the pond to a bog complex with a ditch/tributary to Cook Inlet.